

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 270 be amended to read as follows:

- 1 Page 3, between lines 13 and 14, begin a new paragraph and insert:
2 "SECTION 4. IC 22-15-5-4, AS AMENDED BY P.L.1-2006,
3 SECTION 394, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The division shall carry out
5 a program for the periodic inspection of regulated lifting devices being
6 operated in Indiana. A regulated lifting device may not be operated
7 without an operating certificate that covers the operation of the
8 regulated lifting device.
9 (b) A permit issued under this section expires on the earlier of:
10 (1) one (1) year after issuance; or
11 (2) when the regulated lifting device is altered.
12 (c) After a regulated lifting device has been installed or altered, an
13 applicant shall apply for an initial operating certificate. The division
14 shall issue an initial operating certificate for a regulated lifting device
15 if:
16 (1) the applicant demonstrates:
17 (A) through an acceptance inspection made by an elevator
18 inspector licensed under IC 22-15-5-11 that the regulated
19 lifting device covered by the application complies with the
20 laws governing its construction, repair, maintenance, and
21 operation; and
22 (B) that the applicant has paid the fee set under
23 IC 22-12-6-6(a)(7); and
24 (2) the division verifies, through an inspection, that the regulated

lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device.

(d) The division shall issue a renewal operating certificate if the applicant:

(1) **except as provided in section 4.5 of this chapter,** demonstrates through the completion of applicable safety tests that the regulated lifting device complies with the laws governing the construction, repair, maintenance, and operation of the regulated lifting device; and

(2) has paid the fee set under IC 22-12-6-6(a)(7).

(e) The division may issue a temporary operating permit to an applicant under this section who does not comply with subsection (c)(1)(A) for a new or altered regulated lifting device or subsection (d)(1) for an existing unaltered regulated lifting device. The applicant must pay the fee set under IC 22-12-6-6(a)(7) to qualify for the temporary operating permit. Except as provided in subsection (f), the permit, including all renewal periods, is limited to sixty (60) days.

(f) The division may renew a temporary operating permit issued under subsection (e) for thirty (30) day periods during the construction of a building if the regulated lifting device is used for the transportation of construction personnel, tools, and materials.

(g) The responsibilities of the division under this section may be carried out by a political subdivision that is approved by the commission under IC 22-13-2-10.

(h) A copy of the operating certificate shall be displayed in or on each regulated lifting device or in an associated machine room.

(i) A licensed elevator mechanic shall perform the maintenance on a regulated lifting device.

SECTION 5. IC 22-15-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. (a) As used in this section, "church" means a:**

(1) church; or

(2) religious society;

that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(b) After June 30, 2009, a church that applies for a renewal operating certificate under section 4(d) of this chapter is not required to complete or submit evidence of a safety test under section 4(d)(1) of this chapter in order to receive the renewal operating certificate if the following conditions are satisfied:

(1) The church:

(A) remains subject to and participates in the division's program for the periodic inspection of regulated lifting devices under section 4(a) of this chapter; and

(B) pays the fee required under section 4(d)(2) of this chapter.

(2) The regulated lifting device for which the church seeks the renewal operating certificate is located on property that is:

(A) owned or used by the church; and

(B) exempt from property taxation under IC 6-1.1."

Page 5, after line 19, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "church" means a:

(1) church; or

(2) religious society;

that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(b) As used in this SECTION, "commission" refers to the fire prevention and building safety commission established by IC 22-12-2-1.

(c) Not later than July 1, 2009, the commission shall adopt a rule to amend 675 IAC 21-1-3.1(c) to provide that after June 30, 2009, a church that applies for a renewal operating certificate for a regulated lifting device is not required to complete or submit evidence of a safety test described in 675 IAC 21-1-3.1(c)(1) in order to receive the renewal operating certificate, if the following conditions are satisfied:

(1) The church:

(A) remains subject to and participates in the division's program for the periodic inspection of regulated lifting devices under IC 22-15-5-4(a); and

(B) pays the fee required under section IC 22-15-5-4(d)(2).

(2) The regulated lifting device for which the church seeks the renewal operating certificate is located on property that is:

(A) owned or used by the church; and

(B) exempt from property taxation under IC 6-1.1.

The commission shall adopt the rule required by this subsection in the same manner as emergency rules are adopted under IC 4-22-2-37.1.

(d) The rule adopted under this SECTION expires on the earlier of:

(1) the date the rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36; or

- 1 **(2) January 1, 2011.**
- 2 **(e) This SECTION expires January 1, 2011.**
- 3 **SECTION 10. An emergency is declared for this act."**
- 4 Renumber all SECTIONS consecutively.
 (Reference is to ESB 270 as printed March 10, 2009.)

Representative Koch